

Legislation Will Empower Reporters to Refrain from Revealing their Confidential News Sources

Washington, **Mar 31** - The U.S. House of Representatives today passed the Free Flow of Information Act of 2009, legislation authored by Congressmen Rick Boucher (D-Va) and Mike Pence (R-IN), which would create a federal media shield law to protect reporters from being compelled to reveal their confidential news sources in federal court proceedings. Boucher and Pence are joined in sponsorship of the bill by 49 of their colleagues in the House, including Judiciary Committee Chairman John Conyers (D-MI) and Vice Ranking Member of the Committee, Bob Goodlatte (R-VA).

"Today's passage of the Free Flow of Information Act is a major victory for the public's right to know and for the ability of reporters to bring important information to light. The assurance of confidentiality that reporters give to sources is fundamental to their ability to deliver news on highly contentious matters of broad public interest such as corruption in government or misdeeds in corporations. Without the promise of confidentiality, many inside sources would not reveal the information, and opportunity to take corrective action to address the harms would not arise," Boucher said.

"Today freedom won on the floor of the House of Representatives as Congress reaffirmed our nation's commitment to a free and independent press," Pence said.

Thirty-six states and the District of Columbia currently have statutes protecting reporters from the compelled disclosure of sources of information.

"The absence of federal legislation protecting reporters' sources limits the public's access to information which is vital to the functioning of a democratic society. The press allows citizens to serve as watchdogs, speaking out about and exposing what are often illegal, corrupt, or dangerous activities by both private and government actors," Boucher said.

During the past few years, more than thirty reporters have been subpoenaed or questioned in federal court proceedings about confidential sources, and several have been handed or threatened with jail sentences. Such actions inevitably have a chilling effect on the willingness of reporters to rely on confidential sources and on the willingness of sources to speak to reporters.

The Free Flow of Information Act sets criteria which must be met before information can be subpoenaed from reporters in any federal criminal or civil matter. The standards set forth in the legislation balance the public interest in the free flow of information against the public interest in compelled testimony. Only when the national security is at risk or where imminent bodily harm is threatened will there be a compelled disclosure by a reporter of the source of confidential information. The measure makes these standards mandatory in all federal judicial, legislative

and administrative proceedings, with heightened protection for the identities of confidential sources.

"The Free Flow of Information Act appropriately places the public's right to know above the more narrow interest of the administration of justice in a particular federal case. In fact, in many instances, the critical information which first alerts federal prosecutors to conduct a criminal proceeding is contained in a news story which could only have been reported upon with the assurance of anonymity to the news source. Passage of this measure will assure a stronger underpinning of both freedom of the press and free speech in future years, and I will continue to work with my colleagues in the Senate to ensure enactment of the measure," Boucher concluded.